

### **REMARKS**

In view of the following remarks, Applicants respectfully request reconsideration and withdrawal of all grounds of rejection. Claims 1-33 are pending in the present application. The Specification has been amended to add the term "of", which was inadvertently omitted. No new matter is introduced by way of this amendment. Acceptance is respectfully requested.

In the Office Action, claims 1-2, 4-7, 10-11, 17-18, 20-23, 26-27 and 33 were rejected under 35 U.S.C. § 102(e) as being anticipated by Wu et al. (U.S. Pat. Appl. Pub. No. 2002/0128950 A1) ("Wu").

Applicants invention, as claimed in independent claims 1, 6, 17, 22 and 33, is directed to a computer system for facilitating the borrowing of securities. The computer system includes a database for storing securities availability data, which indicates the securities that a company has available to fulfill a request from a client computer to borrow securities. The computer system also includes a server computer for evaluating the borrow request based on approval criteria. The approval criteria includes availability of the requested securities, which is determined by the server computer based on the securities availability data. If any portion of the borrow request is approved, the securities availability data in the database is updated to reflect a decrease in securities available for borrowing.

In contrast to the claimed invention, Wu discloses an automated online trading system which automatically trades financial assets when a specified condition is satisfied. The specified condition may include the quantity of assets to be purchased, upper and lower selling price limits, the desired purchase price and the time for making a purchase of assets. Wu, however, fails to teach or disclose a server computer that approves a securities borrow request

based upon approval criteria, which includes availability of the requested securities. Moreover, Wu fails to teach or disclose a computer system which automatically updates securities availability data in a database “to reflect a decrease in securities availability resulting from the approval” of a securities borrowing request as claimed in claims 1, 6, 17, 22 and 33.

For the reasons discussed above, Applicants respectfully request that the rejection of claims 1, 6, 17, 22 and 33 and the claims dependent upon claims 1, 6, 17, 22 and 33 be withdrawn.

Claims 3, 8, 9, 19, 24 and 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wu in view of Young (U.S. Pat. Appl. Pub. No. 2002/0194110 A1). Like Wu, Young fails to teach or disclose a computer system which automatically updates securities availability data in a database “to reflect a decrease in securities availability resulting from the approval” of a securities borrowing request as claimed in claims 1, 6, 17 and 22. Since claim 3 depends from claim 1, claims 8 and 9 depend from claim 6, claim 19 depends from claim 17 and claims 24 and 25 depend from claim 22, Applicants respectfully request that the rejection of claims 3, 8, 9, 19, 24 and 25 be withdrawn for at least the same reasons discussed above with respect to claims 1, 6, 17 and 22.

Claims 12 and 28 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wu in view of Blauvelt (U.S. Pat. Appl. Pub. No. 2002/0188553 A1). Like Wu, Blauvelt fails to teach or disclose a computer system which automatically updates securities availability data in a database “to reflect a decrease in securities availability resulting from the approval” of a securities borrowing request as claimed in claims 6 and 22. Since claim 12 depends from claim 6 and claim 28 depends from claim 22, Applicants respectfully request that the rejection of

claims 12 and 28 be withdrawn for at least the same reasons discussed above with respect to claims 6 and 22.

Claims 13-16 and 29-32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wu in view of Mosler et al. (U.S. Pat. No. 6,304,858 B1) ("Mosler"). Like Wu, Mosler fails to teach or disclose a computer system which automatically updates securities availability data in a database "to reflect a decrease in securities availability resulting from the approval" of a securities borrowing request as claimed in claims 6 and 22. Since claims 13-16 depend from claim 6 and claims 29-32 depend from claim 22, Applicants respectfully request that the rejection of claims 13-16 and 29-32 be withdrawn for at least the same reasons discussed above with respect to claims 6 and 22.

#### CONCLUSION

In view of the foregoing remarks, Applicants respectfully request reconsideration, withdrawal of all grounds of rejection, and allowance of claims 1-33.

Respectfully submitted,



Seth M. Cannon  
Reg. No. 59,636  
Attorney for the Applicants

Date: May 29, 2007

Proskauer Rose LLP  
One International Place  
Boston, MA 02110  
Tel. No.: (617) 526-9712  
Fax No.: (617) 526-9899